THE HON'BLE MR JUSTICE B. PRAKASH RAO
AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 5076 of 2005

Between:

The Director of Intermediate Education,
Andhra Pradesh, Hyderabad & others.

... PETITIONERS

AND

Sri K.S. Kumar Reddy & others.

... RESPONDENTS

ORDER: (PER THE HONOURABLE BPR,J)

Heard the Government Pleader for Services-I for the petitioner and also Sri P.V.S.S.S. Rama Rao, learned counsel appearing on behalf of respondent No.1 and at their request the main writ petition is taken up for disposal.

The petitioners herein seek to assail the orders of the Tribunal passed in O.A.No.5054 of 2004, dated 03.11.2004. The applicant – respondent No.1 filed the above O.A. under Section 19 of the Administrative Tribunals Act 1985 seeking to assail the orders dated 31.08.2004, wherein his promotion was kept in abeyance. It is submitted that O.A. was disposed of mainly on the ground that the respondent No.1 was working as Principal.

Now during the course of arguments, learned Government Pleader submits that the proceedings dated 05.03.2005 were not challenged. There is no dispute that in terms of the interim suspension granted by this Court in WPMP.No.6743 of 2005, dated 15.03.2005, the respondent No.1 has already been continuing in the post of lecturer and he has been working as such and especially in the absence of challenge made as against the proceedings dated 05.03.2005, the impugned order of the Tribunal holding the claim of the respondent No.1 to continue as Principal is not valid.

Accordingly, the writ petition is allowed and the impugned order of the Tribunal is set aside.

Since the learned counsel appearing on behalf of the 1st respondent submits that in the aided school in which the 1st respondent worked, has not been paid any salary, it is always open for the petitioner to file an application to the concerned authority within a

period of one week from today. On such receipt, the authorities shall consider the same in regard to payment for the period, within a period of four weeks thereafter.

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B. PRAKASH RAO, J

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RAMESH RANGANATHAN, J

Date: 16.06.2006
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